

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Gabriella Carpenter	Team: Squad #13	CCRB Case #: 201704026	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 05/22/2017 6:30 AM	Location of Incident: 86 Victory Boulevard	Precinct: 120	18 Mo. SOL 11/22/2018	EO SOL 11/22/2018	
Date/Time CV Reported Mon, 05/22/2017 7:56 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 05/22/2017 7:56 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Genaro Barreiro	00308	950050	WARRSEC
2. DT3 Tina Stuart	03291	927973	WARRSEC
3. POM Carlos Corporan	09498	948813	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.POM Genaro Barreiro	Abuse: PO Genaro Barreiro stopped § 87(2)(b) and unknown individuals.	
B.POM Carlos Corporan	Abuse: PO Carlos Corporan stopped § 87(2)(b) and unknown individuals.	
C.DT3 Tina Stuart	Abuse: Det. Tina Stuart stopped § 87(2)(b) and unknown individuals.	
D.DT3 Tina Stuart	Abuse: Det. Tina Stuart threatened to arrest § 87(2)(b)	
E.DT3 Tina Stuart	Discourtesy: Det. Tina Stuart acted discourteously toward § 87(2)(b)	
F.POM Carlos Corporan	Abuse: PO Carlos Corporan refused to provide his name and shield number to § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		

Case Summary

§ 87(2)(b) filed a complaint with the CCRB on May 22, 2017 via the Call Processing System.

On May 22, 2017, at approximately 6:30 a.m., § 87(2)(b) sat under the awning of 86 Victory Boulevard in Staten Island to get out of the rain. A man and a woman § 87(2)(b) did not know sat near her. After about twenty minutes, Detective Tina Stuart, Police Officer Genaro Barreiro, and Police Officer Carlos Corporan of the Staten Island Warrant Squad and a parole officer approached the civilians and asked for their IDs (**allegations A through C**). While § 87(2)(b) was trying to get her ID out, Det. Stuart said, “If you don’t give me your ID, you’re coming with me” (**allegation D**). § 87(2)(b) gave Det. Stuart her ID and PO Barreiro ran the IDs on his department cell phone. About a minute later, Det. Stuart tossed § 87(2)(b)’s ID at her and it fell on the ground (**allegation E**). § 87(2)(b) then asked all of the officers for their names and shield numbers multiple times and the officers laughed at her and did not provide their information; PO Corporan gave her an NYPD card without identifying information (**allegation F**). The officers left without summoning any of the civilians. Det. Stuart did not record the incident in her memo book (**allegation G**).

§ 87(2)(b) recorded three videos of the incident on her cell phone, the first two of which last only a few seconds and do not show any allegations (BR 03). The third video shows the officers running the civilians’ IDs then Det. Stuart handing them back, and the officers walking away before § 87(2)(b) asks for their names.



201704026 Video 1.mp4



201704026 Video 2.mp4



201704026 Video 3.mp4

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation as she never wanted to see the officers again.
- § 87(2)(b) has not been convicted of any charges in the last ten years.
- This report was submitted pending a FOIL request sent to the comptroller’s office on July 25, 2017 for any notice of claim filed in regard to this incident.

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
- PO Barreiro has been a member of the service for six years and has had twenty-four other CCRB allegations pled against him in eleven cases. § 87(2)(g) [REDACTED]
[REDACTED]
 - Two stop allegations were pled against him in CCRB 201506920 that were exonerated.
 - One allegation of refusal to provide name and shield was pled against him in CCRB 201508097 that was unsubstantiated.

- Det. Stuart has been a member of the service for sixteen years and has had sixteen other CCRB allegations pled against her in nine cases. § 87(2)(g)
- One allegation of threat of arrest was pled against her in CCRB 201606907 that was exonerated.
- Three allegations of refusal to provide name and shield were pled against her, one in CCRB 200406840 that was closed as complainant unavailable, one in CCRB 200813811 that was closed as complainant uncooperative, and one in CCRB 201606907 that was unsubstantiated.
- PO Corporan has been a member of the service for seven years and has had three other CCRB allegations pled against him in two cases.

Potential Issues

- § 87(2)(b) did not know the other civilians who were stopped with her, did not get their names, and was unable to describe them beyond race and gender. As a result, the other two victims in the case could not be identified.

Findings and Recommendations

Explanation of Subject Officer Identification

- Though Det. Stuart could not recall the incident, she identified herself in the video § 87(2)(b) took of the incident. As she was the only female officer present, the allegations that § 87(2)(b) attributed to a female officer were pled against her.

Allegations not pleaded

- **Abuse of Authority:** Allegations of refusal to provide name and shield number were not pled against PO Barreiro and Det. Stuart because the video § 87(2)(b) provided shows that she asked the officers for their names and shield numbers after they had walked back to their car and it is unclear whether they heard her or understood which officer the question was directed toward. The allegation has been pleaded against PO Corporan as he testified that he heard § 87(2)(b) ask for his name and shield number.

Allegation A: Abuse of Authority: PO Genaro Barreiro stopped § 87(2)(b) and unknown individuals.

Allegation B: Abuse of Authority: Det. Tina Stuart stopped § 87(2)(b) and unknown individuals.

Allegation C: Abuse of Authority: PO Carlos Corporan stopped § 87(2)(b) and unknown individuals.

Allegation D: Abuse of Authority: Det. Tina Stuart threatened to arrest § 87(2)(b)

Allegation E: Discourtesy: Det. Tina Stuart acted discourteously toward § 87(2)(b)

Allegation F: Abuse of Authority: PO Carlos Corporan refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b) testified that she drank two beers at home, went to the store, and then sat under the awning of a building when it started to rain. Four officers approached her and the male and female she was sitting with and asked for their IDs (BR 01 and BR 02). When she did not provide her ID quickly enough, Det. Stuart said, “If you don’t give me your ID, you’re coming

with me.” § 87(2)(b) handed Det. Stuart her ID and PO Barreiro ran it on a machine. Det. Stuart then tossed the ID to § 87(2)(b) rather than handing it to her, and as she was not expecting it, the ID fell on the ground. § 87(2)(b) asked the officers for their names and shield numbers several times and the officers laughed at her. When the officers realized § 87(2)(b) was taking a video, an officer she thought was PO Barreiro handed her a blank stop and frisk card that § 87(2)(b) no longer had at the time of her interview. (The investigation has determined that it was actually PO Corporan who gave her an NYPD based on his admission.) The officers left without summoning the civilians.

PO Barreiro testified that he, Det. Stuart, PO Corporan, and a parole officer approached § 87(2)(b) and a male civilian to show them a photo of the person they were looking for to find out if they knew the person (BR 04). As they approached, PO Barreiro noticed that § 87(2)(b) was holding a can of beer and the male was holding a plastic cup with a white liquid that smelled like alcohol. PO Barreiro told the civilians his name and asked about their open containers. The man confirmed that they had been drinking. One of the officers asked for the civilians’ IDs and ran them on a department cell phone to check if they had open warrants. PO Barreiro could not recall whether an officer told the civilians that they would be arrested if they did not provide their IDs, but if they had not provided them, the officers would have had to take them to the stationhouse to identify them. After the officers saw that the civilians did not have open warrants, an officer handed the IDs back to the civilians. PO Barreiro could not recall whether a civilian asked for the officers’ names, shield numbers, or “IDs” or whether an officer gave the civilians a pre-printed business card as they normally do. PO Barreiro used his discretion not to summons the civilians and just told them to throw the alcohol away.

PO Corporan corroborated PO Barreiro’s testimony with the following distinctions: The officers approached three civilians, a male and two females, to show them a photo of the person they were looking for (BR 05). The male and one of the females were passing a cup back and forth and the other female had a beer can sitting next to her. The female sharing the cup asked the officers loudly for their names and shield numbers and PO Corporan provided his verbally and gave her a card with his information. Some of his cards are pre-printed and some require him to fill in information, so it is possible that he provided a blank card. He could not recall whether the other officers provided their information.

Det. Stuart could not recall the incident (BR 06).

In the third video § 87(2)(b) provided, PO Barreiro drops § 87(2)(b)’s ID, seemingly accidentally, and then picks it back up (BR 07). Shortly after, Det. Stuart hands § 87(2)(b)’s ID back to her; the ID appears to be visible in § 87(2)(b)’s hand a second later, and did not appear to have been tossed or to have fallen on the ground again. § 87(2)(b) says, “May I please have your ID? May I please have your cards?” several times, but when the video shows the officers again they are approximately ten feet away and it is unclear from the video whether they were able to hear her. The officers do not provide their names or shield numbers in the video.

Though § 87(2)(b) testified that the same officer who ran the IDs on his cell phone gave her the blank NYPD card, the investigation has credited PO Corporan that he was the officer who gave her an NYPD card.

Consumption or possession of alcohol with the intent to consume on the street is prohibited and is punishable by up to five days in prison. New York Administrative Code 10-125 (BR 08).

When issuing a summons, officers should request that the violator show proof of identity. If unable to verify their identity, officers should remove the violator to the command for investigation. Patrol Guide Procedure 209-09 (BR 09).

Officers are required to courteously and clearly state their rank, name, shield number and command, or otherwise provide them, to anyone who asks. Patrol Guide Procedure 203-09 (BR 12).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

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